

1. Plaintiff* (name or names):
Ghazar Zehnaly
alleges causes of action against defendant* (name or names):
Amguard Insurance Company, dba Berkshire Hathaway Insurance Companies and Does 1-50

2. This pleading, including attachments and exhibits, consists of the following number of pages: 12

3. a. Each plaintiff named above is a competent adult
☐ except plaintiff (name):
(1) ☐ a corporation qualified to do business in California
(2) ☐ an unincorporated entity (describe):
(3) ☐ other (specify):

b. ☐ Plaintiff (name):
a. ☐ has complied with the fictitious business name laws and is doing business under the fictitious name (specify):
b. ☐ has complied with all licensing requirements as a licensed (specify):

c. ☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3c.

4. a. Each defendant named above is a natural person
☒ except defendant (name): Amguard Insurance Company ☐ except defendant (name):
(1) ☐ a business organization, form unknown (1) ☐ a business organization, form unknown
(2) ☒ a corporation (2) ☐ a corporation
(3) ☐ an unincorporated entity (describe): (3) ☐ an unincorporated entity (describe):
(4) ☐ a public entity (describe): (4) ☐ a public entity (describe):
(5) ☐ other (specify): (5) ☐ other (specify):

* If this form is used as a cross-complaint, plaintiff means cross-complainant and defendant means cross-defendant.

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PLD-C-001

SHORT TITLE:

Zehnaly vs. Amguard Insurance Company

CASE NUMBER:

22GDCV00124

4. (Continued)

b. The true names of defendants sued as Does are unknown to plaintiff.

(1) ☒ Doe defendants (specify Doe numbers): 1-25 were the agents or employees of the named defendants and acted within the scope of that agency or employment.(2) ☒ Doe defendants (specify Doe numbers): 26-50 are persons whose capacities are unknown to plaintiff.c. ☐ Information about additional defendants who are not natural persons is contained in Attachment 4c.d. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):5. ☐ Plaintiff is required to comply with a claims statute, anda. ☐ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):6. ☐ This action is subject to ☐ Civil Code section 1812.10 ☐ Civil Code section 2984.4.

7. This court is the proper court because

a. ☒ a defendant entered into the contract here.b. ☐ a defendant lived here when the contract was entered into.c. ☐ a defendant lives here now.d. ☒ the contract was to be performed here.e. ☐ a defendant is a corporation or unincorporated association and its principal place of business is here.f. ☐ real property that is the subject of this action is located here.g. ☐ other (specify):

8. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

☒ Breach of Contract☐ Common Counts☒ Other (specify):

Breach of Implied Covenant of Good Faith and Fair Dealing (Insurance Bad Faith)

9. ☒ Other allegations:

See Attachment

10. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

a. ☒ damages of: \$ 100,000.00 or according to proofb. ☐ interest on the damages(1) ☒ according to proof(2) ☒ at the rate of (specify): 10 percent per year from (date):c. ☐ attorney's fees(1) ☐ of: \$(2) ☐ according to proof.d. ☒ other (specify):

Punitive damages according to proof

11. ☒ The paragraphs of this pleading alleged on information and belief are as follows (specify paragraph numbers):

4b

Date: 3/8/2022

Ghazar Zehnaly

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

(If you wish to verify this pleading, affix a verification.)

PLD-C-001 (Rev. January 1, 2007)

COMPLAINT—Contract

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PLD-C-001(1)

SHORT TITLE:

Zehnaly v. Amguard Insurance Company

CASE NUMBER:

22GDCV00124

First CAUSE OF ACTION—Breach of Contract

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

BC-1. Plaintiff (name): Ghazar Zehnaly

alleges that on or about (date): 8/10/2019

a ☒ written ☐ oral ☐ other (specify):

agreement was made between (name parties to agreement):

Ghazar Zehnaly and Amguard Insurance Company dba Berkshire Hathaway Guard Insurance

☐ A copy of the agreement is attached as Exhibit A, or☒ The essential terms of the agreement ☐ are stated in Attachment BC-1 ☒ are as follows (specify):

Defendant agreed to pay for physical loss of or damage to my real property (see also Attachment 1 hereto).

BC-2. On or about (dates): 1/12/2021

defendant breached the agreement by ☐ the acts specified in Attachment BC-2 ☒ the following acts (specify):

Defendant improperly denied insurance coverage for the loss and damage to my real property that was covered under my policy. (See Attachment 1)

BC-3. Plaintiff has performed all obligations to defendant except those obligations plaintiff was prevented or excused from performing.

BC-4. Plaintiff suffered damages legally (proximately) caused by defendant's breach of the agreement

☐ as stated in Attachment BC-4 ☒ as follows (specify):

According proof at trial, but at least \$100,000.00.

BC-5. ☒ Plaintiff is entitled to attorney fees by an agreement or a statute☐ of \$☒ according to proof.BC-6. ☒ Other: Prejudgment interest

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PLD-PI-001(3)

SHORT TITLE:
Zehnalay v. Amguard Insurance Company

CASE NUMBER
22GDCV00124

Second

(number)

CAUSE OF ACTION—Intentional TortPage 4

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Ghazar Zehnalay

alleges that defendant (name): Amguard Insurance Company dba Berkshire Hathaway Guard Insurance Companies

☒ Does 1 to 50

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (date): 1/12/2021

at (place): 1026 San Rafael Ave., Glendale, CA 91202

(description of reasons for liability):

Defendants unreasonably and purposely denied my claim when they knew that my claim was covered. Defendants' denial and rejection of my claim is part of Defendant's company policy and procedure. Defendants also purposefully and unreasonably delayed responding to my claim.

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Form Approved for Optional Use
Judicial Council of California
PLD-PI-001(3) (Rev. January 1, 2007)

CAUSE OF ACTION—Intentional Tort

Code of Civil Procedure, § 425.12
www.courts.ca.gov

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